

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION**

UNITED STATES OF AMERICA,)	Cause No. CR-21-10-H-BMM
)	
Plaintiff,)	
)	
vs.)	
)	AMENDED ORDER FOR
JOHNNY TYRONE HUFFMAN, JR.,)	COMPETENCY
)	DETERMINATION
Defendant.)	
)	
)	
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Counsel for the Defendant, Johnny Tyrone Huffman, Jr. has filed an Unopposed Motion for Competency Determination. (Doc. 14).

The Court finds that “there is reasonable cause to believe that the defendant may be presently suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense.” 18 U.S.C. § 4241(a).

Accordingly, IT IS ORDERED that Defendant’s Unopposed Motion for

Competency Determination (Doc. 14) is GRANTED. Pursuant to 18 U.S.C. § 4241, Defendant is committed to the custody of the Attorney General, for a period not to exceed thirty days, for placement in a suitable federal facility to undergo a psychiatric or psychological evaluation to determine if Defendant is presently suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense. This period of time may be extended pursuant to 18 U.S.C. § 4247(b) at the request of the facility.

IT IS FURTHER ORDERED that, upon completion, the psychiatric or psychological report be filed with the Court pursuant to 18 U.S.C. §§ 4247(b) and 4247(c). Additionally, the Court hereby prohibits the Government from using any statements made by the Defendant during the examination against him. However, if Defendant uses the competency report at trial or sentencing as a defense, the Government may use the report as well. See *United States v. Nguyen*, 962 F. Supp. 1221, 1222 (N.D. Cal. 1997). Pursuant to 18 U.S.C. § 3161(h)(1)(A), all time from the date of this Order until the date of the Court's determination as to Defendant's competency is excludable under the Speedy Trial Act.

IT IS FURTHER ORDERED that the trial currently set for November 23, 2021, and all associated deadlines are VACATED pending the competency evaluation and hearing.

The U.S. Marshals Service will, as soon as practicable, transport the Defendant to a suitable facility as designated by the Bureau of Prisons for purposes of the evaluation.

DATED this 18th day of October, 2021.

A handwritten signature in blue ink, reading "Brian Morris". The signature is written in a cursive style with a horizontal line extending from the end of the name.

Brian Morris, Chief District Judge
United States District Court